

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DAMIEN J. MORGAN,

Plaintiff,

v.

Case 2:23-cv-02744-MSN-cgc

MEMPHIS LIGHT, GAS & WATER,

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL**

Before the Court, by way of Order of Reference (D.E. # 38), is Plaintiff's Motion to Compel discovery responses filed on January 18, 2025 (D.E. # 37). The Motion seeks an order compelling Defendant to produce responses to the Interrogatories and Requests for Production propounded on September 16, 2024. Defendant responds that the motion is now moot as they filed their discovery responses on January 23 and 24, 2025.

A hearing on the Motion was held on February 18, 2025. Maureen Holland and Yvette Kirk appeared on behalf of Plaintiff and Thomas Henderson and Amanda Garland appeared on behalf of Defendant.

"If the requested discovery is provided after [a motion to compel] was filed - the court must, after giving an opportunity to be heard, require the party... whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees." Fed.R.Civ.P 37(a)(5)(A) As it is undisputed that the requested discovery was not provided until after the motion to compel

was filed, Plaintiff is awarded his reasonable expenses, including attorney's fees, incurred in making this Motion. Within fourteen (14) days of the entry of this order, Plaintiff shall file his affidavit of fees and expenses. Defendant shall have fourteen (14) days thereafter in which to file any response indicating circumstances which would make an award of expenses unjust. A report and recommendation on the fee award will follow.

IT IS SO ORDERED this 19th day of February, 2025.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE